

09/617,545

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PATENT AGENT  
ALLEN C. YUN, PH.D.

Hon. Assistant Commissioner for Patents  
Box Patent Appln  
Washington, D.C. 20231

Re: Divisional Application of USSN 09/063,778.  
Applicants: Toshio ARIYASU et al  
Title: HEDGEHOG PROTEIN  
Atty's Docket: ARIYASU=1A

Sir:

Attached herewith is the above-identified divisional application for Letters Patent including:

- ☒ Specification (66 pages), claims (3 pages) and abstract (1 page).
- ☒ Three (3) Sheets Drawings (Figures 1-3).
  - ☒ Formal ☐ Informal
- ☒ Declaration and Power of Attorney (2 pages)
  - ☐ Newly executed ☒ Copy from prior application no. 09/063,778
- ☒ Preliminary Amendment
- ☒ The paper copy of the Sequence Listing in this application is identical to the computer-readable copy of the Sequence Listing filed in application no. 09/063,778, on June 8, 1998. In accordance with 37 CFR §1.821(e), please use the only-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the amended Sequence Listing is included as part of the specification.
- ☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$846.00, to cover the filing fee calculated as follows (including any preliminary amendment for entry prior to calculation of the filing fee):

| CLAIMS AS FILED   |              |              |       |                        |
|---|--------------|--------------|-------|------------------------|
| FOR   | NUMBER FILED | NUMBER EXTRA | RATE  | BASIC FEE<br>\$ 690.00 |
| TOTAL CLAIMS  | 16 - 20      | = 0          | x 18  | --                     |
| INDEPENDENT CLAIMS  | 5 - 3        | = 2          | x 78  | 156.00                 |
| <input type="checkbox"/> Multiple Dependent Claim Presented |              |              | + 260 | --                     |
| <input type="checkbox"/> Reduction of 1/2 for Small Entity  |              |              |       |                        |
| TOTAL FILING FEE  |              |              |       | \$ 846.00              |

- ☐ Any additional fee required by the filing of an enclosed preliminary or supplemental preliminary amendment (for entry after calculation of the filing fee) has been calculated as shown below:

|   | CLAIMS<br>REMAINING<br>AFTER<br>AMENDMENT | HIGHEST NO.<br>PREVIOUSLY<br>PAID FOR | PRESENT<br>EXTRA | RATE  | CALCULATION |
|---|---|---------------------------------------|------------------|-------|-------------|
| TOTAL   |   | -                                     | =                | x 18  |             |
| INDEP.  |   | -                                     | =                | x 78  |             |
| <input type="checkbox"/> Multiple Dependent Claim Presented - |   |                                       |                  | + 260 |             |
| <input type="checkbox"/> Reduction by 1/2 for Small Entity    |   |                                       |                  |       |             |
| Total Additional Fee =  |   |                                       |                  |       |             |

- ☐ Other Fees: \_\_\_\_\_
- ☐ Information Disclosure Statement with \_\_\_ references
- ☒ Other Attachments: Notice of Association with Customer Number and Change of Correspondence Address.
- ☒ Return Receipt Postcard (in duplicate)

The following statements are applicable:

- ☒ The benefit under 35 USC §119 is claimed of the filing date of:  
Application No. 9-121578 in Japan on April 25, 1997. A certified copy of said priority document was filed in progenitor case 09/063,778 on July 20, 1998.  
Application No. 10-117873 in Japan on April 14, 1998. A certified copy of said priority document was filed in progenitor case 09/063,778 on July 20, 1998.
- ☒ The present application is a Division of prior Application No. 09/063,778.
- ☒ Incorporation By Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is attached.
- ☒ The prior application was assigned to: KABUSHIKI KAISHA HAYASHIBARA SEIBUTSU KAGAKU KENKYUJO; 2-3, 1-chome, Shimoishii, Okayama-shi, Okayama, Japan
- ☐ Amend the specification by inserting after the title the sentence:  
--This is a division of copending parent application Serial No. \_\_, filed \_\_.--
- ☒ Certain documents were previously cited or submitted to the Patent and Trademark Office in the following prior application 09/063,778, which is relied upon under 35 USC §120. Applicants identify these documents by attaching hereto a form PTO-1449 listing these documents, and request that they be considered and made of record in accordance with 37 CFR §1.98(d). Per Section 1.98(d), copies of these documents need not be filed in this application.
- ☐ A verified statement claiming small entity status is enclosed in progenitor application no. , filed . Status is still proper and desired.
- ☐ A verified statement to establish small entity status under 37 CFR §1.9 and 37 CFR §1.27 (\_\_\_ page(s))

- ☐ The undersigned attorney of record hereby revokes the powers of attorney of:
- ☐ The undersigned attorney of record hereby appoints associate power of attorney, to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith to:
- ☒ The Commissioner is hereby authorized to charge payment of the following additional fees associated with this communication or credit any overpayments to Deposit Account No. 02-4035:
  - ☒ Any additional filing fees required under 37 CFR §1.16.
  - ☒ Any patent application processing fees under 37 CFR §1.17.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees, based on any paper filed during the pendency of this application or any CPA thereof, to effect any amendment, petition, or other action requested in said paper or credit any overpayments to Deposit Account No. 02-4035:
  - ☒ Any patent application processing fees under 37 CFR §1.17.
  - ☐ The issue fee set in 37 CFR §1.18 at or before mailing the Notice of Allowance, pursuant to 37 CFR §1.311(b).
  - ☒ Any filing fees under 37 CFR §1.16 for presentation of extra claims.
  - ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR. §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account 02-4035.
- ☒ The Commissioner is hereby authorized to credit any overpayment of fees accompanying this paper to Deposit Account No. 02-4035.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicants

By: \_\_\_\_\_  
Sheridan Neimark  
Registration No. 20,520

SN:jec

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